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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/627,591
Filing Date	July 25, 2003
First Named Inventor	Andrew Clark et al.
Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	0029.10

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1 Cited Reference
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NEKTAR THERAPEUTICS		
Signature			
Printed name	Guy V. Tucker		
Date	14 DEC 2004	Reg. No.	45,302

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## PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Andrew Clark et al.

Atty. Docket No.: 0029.10

Application No.: 10/627,591

Examiner: Unassigned

Group Art Unit: 1614

Filed: 07/25/2003

Title: AEROSOLIZED ACTIVE AGENT DELIVERY

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**UNDER 37 CFR §1.56, §1.97 and §1.98**

**Assistant Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Dear Sir:

The references listed in the attached Forms PTO/SB/08A and B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

A Copy of a reference is enclosed, as required under 37 CFR §§1.98. The references on the attached Form PTO/SB/08A and B identified by an asterisk (\*) were previously cited by or submitted to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

Attorney Docket No. 0029.10



This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:

☒ within three months of the filing date of a national application or an RCE; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);

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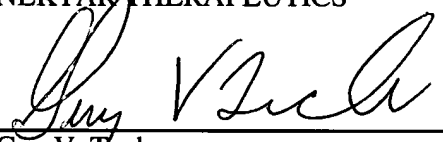
☒ If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500348.

Respectfully submitted,

NEKTAR THERAPEUTICS

Dated: 14 DEC 2004

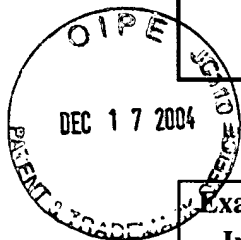
By:

  
\_\_\_\_\_  
Guy V. Tucker  
Reg. No. 45,302

San Carlos, CA 94070  
(650) 631-3100



<b>Form PTO/SB/08A (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  <i>(Use Several Sheets if Necessary)</i>	<b>Atty Docket No.:</b> 0029.10	<b>Application No.:</b> 10/627,591
	<b>Applicant:</b> Andrew Clark et al.	
	<b>Filing Date:</b> 07/25/2003	<b>Group:</b> 1614



### U.S. Patent Documents

Examiner Initial		Patent No.	Date	Patentee	Class	Sub-Class	Filing Date
	*	393,869	12/1888	Warren			
	*	957,548	05/1910	Doane			
		2,587,215	02/26/1952	Priestly			
	*	2,788,784	04/1957	Birch et al.			
	*	3,788,310	01/1974	Fleischmann			
	*	3,837,341	09/1974	Bell			
	*	3,991,304	11/1976	Hillsman			
	*	4,086,918	05/1978	Russo			
	*	4,106,503	08/1978	Rosenthal et al.			
	*	4,114,608	09/1978	Russo			
	*	4,170,228	10/1979	Elson et al.			
	*	4,259,951	04/1981	Chernack et al.			
	*	4,274,404	06/1981	Molzan et al.			
	*	4,284,083	08/1981	Lester			
	*	4,338,931	07/1982	Cavazza			
	*	4,366,947	01/1983	Voegel			
	*	4,391,283	07/1983	Sharpless et al.			
	*	4,442,856	04/1984	Betz			
	*	4,444,202	04/1984	Rubin et al.			
	*	4,484,577	11/1984	Sackner et al.			
	*	4,495,944	01/1985	Brisson et al.			
	*	4,533,137	08/1985	Sonne			
	*	4,558,710	12/1985	Eichler			
	*	4,592,348	06/1986	Waters, IV et al.			
	*	4,627,432	12/1986	Newell et al.			
	*	4,677,975	07/1987	Edgar et al.			
	*	4,778,054	10/1988	Newell et al.			
	*	4,811,731	03/1989	Newell et al.			
	*	4,907,583	03/1990	Wetterlin et al.			
	*	4,926,852	05/1990	Zoltan et al.			

<b>Examiner:</b>	<b>Date Considered:</b>
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Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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	<b>Filing Date:</b> 07/25/2003	<b>Group:</b> 1614

**U.S. Patent Documents**

Examiner Initial		Patent No.	Date	Patentee	Class	Sub- Class	Filing Date
	*	5,033,655	07/1991	Brown			
	*	5,027,806	07/1991	Zoltan et al.			
	*	5,033,655	07/1991	Brown			
	*	5,040,527	08/1991	Larson et al.			
	*	5,042,467	08/1991	Foley			
	*	5,042,472	08/1991	Bunin			
	*	5,161,524	11/1992	Evans			
	*	5,167,506	12/1992	Kilis et al.			
	*	5,184,641	02/1993	Kuhn			
	*	5,201,308	04/1993	Newhouse			
	*	5,213,236	05/1993	Brown et al.			
	*	5,284,133	02/1994	Burns et al.			
	*	5,301,666	04/1994	Lerk et al.			
	*	5,320,094	06/1994	Laube et al.			
	*	5,333,106	07/1994	Lanpher et al.			
	*	5,337,740	08/1994	Armstrong et al.			
	*	5,339,995	08/1994	Brown et al.			
	*	5,364,838	11/1994	Rubsamen			
	*	5,377,877	01/1995	Brown et al.			
	*	5,385,140	01/1995	Smith			
	*	5,408,994	04/1995	Wass et al.			
	*	5,409,144	04/1995	Brown			
	*	5,419,315	05/1995	Rubsamen			
	*	5,435,301	07/1995	Herold et al.			
	*	5,437,271	08/1995	Hodson et al.			
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	*	5,458,135	10/1995	Patton et al.			
	*	5,483,954	01/1996	Mecikalski			
	*	5,509,404	04/1996	Lloyd et al.			

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	<b>Applicant:</b> Andrew Clark et al.	
	<b>Filing Date:</b> 07/25/2003	<b>Group:</b> 1614

**U.S. Patent Documents**

Examiner Initial		Patent No.	Date	Patentee	Class	Sub- Class	Filing Date
	*	5,513,630	05/1996	Century			
	*	5,552,380	06/1996	Dwork			
	*	5,529,059	06/1996	Armstrong et al.			
	*	5,533,505	07/1996	Kallstrand et al.			
	*	5,542,412	08/1996	Century			
	*	5,558,085	09/1996	Rubsamen et al.			
	*	5,568,807	10/1996	Mecikalski			
	*	5,568,910	10/1996	Koehler et al.			
	*	5,586,550	12/1996	Ivri et al.			
	*	5,603,315	02/1997	Sasso, Jr.			
	*	5,617,845	04/1997	Poss et al.			
	*	5,622,166	04/1997	Eisele et al.			
	*	5,653,223	08/1997	Pruitt			
	*	5,654,007	08/1997	Johnson et al.			
	*	5,655,520	08/1997	Howe et al.			
	*	5,672,581	09/1997	Rubsamen et al.			
	*	5,692,492	12/1997	Bruna et al.			
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	*	5,699,789	12/1997	Henricks			
	*	5,724,959	03/1998	McAughey et al.			
	*	5,727,546	03/1998	Clarke et al.			
	*	5,740,794	04/1998	Smith et al.			
	*	5,755,320	07/1998	Patton et al.			
	*	5,785,049	07/1998	Smith et al.			
	*	5,813,401	09/1998	Radcliff et al.			
	*	5,823,183	10/1998	Casper et al.			
	*	5,826,571	10/1998	Casper et al.			
	*	5,826,633	10/1998	Parks et al.			
	*	5,839,430	11/1998	Cama			
	*	5,855,202	01/1999	Andrade			

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	<b>Applicant:</b> Andrew Clark et al.	
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**U.S. Patent Documents**

Examiner Initial		Patent No.	Date	Patentee	Class	Sub- Class	Filing Date
	*	5,873,358	02/1999	Gonda et al.			
	*	5,875,776	03/1999	Vaghefi			
	*	5,881,719	03/1999	Gottenauer et al.			
	*	5,884,620	03/1999	Gonda et al.			
	*	5,896,853	04/1999	Howlett			
	*	5,921,237	07/1999	Eisele et al.			
	*	5,922,354	07/1999	Johnson et al.			
	*	5,941,240	08/1999	Gonda et al.			
	*	5,975,076	11/1999	Yianneskis et al.			
	*	5,983,893	11/1999	Wetterlin et al.			
	*	5,988,163	11/1999	Casper et al.			
	*	5,993,421	11/1999	Kriesel			
	*	6,006,747	12/1999	Eisele et al.			
	*	6,012,454	01/2000	Hodson et al.			
	*	6,029,661	02/2000	Whaley et al.			
	*	6,029,663	02/2000	Eisele et al.			
	*	6,032,667	03/2000	Heinonen			
	*	6,055,979	05/2000	Fuchs			
	*	6,055,980	05/2000	Mecikalski et al.			
	*	6,065,472	5/2000	Anderson et al.			
	*	6,067,984	05/2000	Piper			
	*	6,070,573	06/2000	Howe et al.			
	*	6,076,523	06/2000	Jones et al.			
	*	6,085,753	07/2000	Gonda e al.			
	*	6,089,228	07/2000	Smith et al.			
	*	6,095,134	08/2000	Sievers et al.			
	*	6,102,036	08/2000	Slutsky et al.			
	*	6,105,574	08/2000	Jahnsson			
	*	6,109,261	08/2000	Clarke et al.			
	*	6,116,237	09/2000	Schultz et al.			

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<b>Form PTO/SB/08B (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  <i>(Use Several Sheets if Necessary)</i>	<b>Atty Docket No.:</b> 0029.10	<b>Application No.:</b> 10/627,591
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	<b>Filing Date:</b> 07/25/2003	<b>Group:</b> 1614

**Other Documents**

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	*	ROSS DL ET AL., "Effect of Inhalation Flow Rate on the Dosing Characteristics of Dry Powder Inhale (MDI) Products", J. Aerosol Med: Deposition, Clearance and Effects in the Lung, <u>9</u> (2), Oct. 25, 1996.
	*	LAWFORD P. ET AL., "Pressurized Aerosol Inhaler Technique: How Important are Inhalation from Residual Volume, Inspiratory Flow Rate and the Time between Puffs?" Br. J. Dis. Chest, <u>77</u> (3):276-281, Jul. 25, 1983.
	*	ELLIOT ET AL., Aust. Paekiatr. J., p. 293-297, (1987).
	*	PRIME ET AL., "The Flixotide Diskus™, a new multi dose powder inhaler-consistency of dose and fine particle mass, protein from moisture." Abstract from Journal of Aerosol Medicine, <u>8</u> :138, 1995.
	*	PRIME ET AL., "The Flixotide Diskus™, a new multi dose powder inhaler-in vitro evaluation using an inhalation simulator." Abstract from Journal of Aerosol Medicine, <u>8</u> :137, 1995.
	*	ROBERTSON ET AL., "The influence of (pseudo) polymorphic forms of lactose on dry powder inhaler performance", Abstract from Journal of Aerosol Medicine, <u>8</u> :139, 1995.
	*	CONWAY ET AL., "Comparison of Peak Pressure Drops Through Powder Inhalers During Inspiration at Maximum Flow Rate", Abstract form American Journal of Respiratory and Critical Care Medicine, <u>153</u> (4), A59, Apr. 1996.
	*	NEWHOUSE ET AL., "Clickhaler (a Novel Dry Powder Inhaler) Provides Similar Bronchodilation to Pressurized Metered-Dose Inhaler, Even at Low Flow Rates", Clinical Investigations, Chest, <u>115</u> (4):952-956, Apr. 1999.
	*	CHRYSTYN, "The Diskus Inhaler, A Review of its Pharmaceutical and Clinical Performance", Clinical drug Investigations, <u>18</u> (4):287-296, 1999.
	*	CLARK, "Effect of Powder Inhaler Resistance Upon Inspiratory Profiles in Health and Disease", Respiratory drug Delivery, IV pp. 117-123, 1994.
	*	CLARK ET AL., "The Relationship Between Powder Inhaler Resistance and Peak Inspiratory Conditions in Healthy Volunteers-Implications for in Vitro Testing", Journal of Aerosol Medicine, <u>6</u> (2):99-110, 1993.
	*	DOLOVICH, "Physical Principles Underlying Aerosol Therapy", Journal of Aerosol Medicine, <u>2</u> (2):171-186, 1989.
	*	HILL, "Characteristics of an Active, Multiple Dose Dry Powder Inhaler", Respiratory Drug Delivery IV, pp. 109-116, 1994.

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